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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,000	05/23/2001	Yuko Aki	0828.65568	1870

7590 07/29/2004

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 300 South Wacker Dr., Suite 2500
 Chicago, IL 60606

EXAMINER

JACOBS, LASHONDA T


ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/864,000</p>	<p>Applicant(s)</p> <p>AKI ET AL. </p>	
	<p>Examiner</p> <p>LaShonda T Jacobs</p>	<p>Art Unit</p> <p>2157</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al (hereinafter, “Rogers”, 5,557,747).

As per claims **1** and **9**, Rogers discloses a computer readable medium and network monitoring system for monitoring activities on a network, comprising:

- monitoring policy setting means for setting a monitoring policy (col. 4, lines 20-42, col. 5, lines 46-67, col. 6, lines 1-12 and lines 24-33);
- monitoring means for monitoring the network according to the policy set in said monitoring policy setting means (col. 8, lines 42-58, col. 9, lines 13-24, lines 31-67 and col. 10, lines 1-4); and
- monitoring policy changing means for changing current policy being set in said monitoring policy setting means, according to a monitoring result reported by said monitoring means (col. 17, lines 8-60).

As per claim **2**, Rogers discloses:

- wherein the monitoring policy includes a parameter that specifies how frequently the monitoring will be conducted (col. 13, lines 26-39 and col. 17, lines 4-40).

As per claim **3**, Rogers discloses:

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- wherein the monitoring policy includes a parameter that specifies which object to monitor (col. 13, lines 54-62, col. 17, lines 30-51 and col. 18, lines 43-61).

As per claim 4, Rogers discloses:

- wherein the monitoring policy includes a parameter that specifies which item to monitor (col. 13, lines 54-62 and col. 17, lines 30-51 and col. 18, lines 43-61).

As per claim 5, Rogers discloses:

- wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object and/or item to the coverage of the monitoring, when degradation in service level of the network is observed (col. 13, lines 54-62 and col. 17, lines 30-51 and col. 18, lines 43-61).

As per claim 6, Rogers discloses:

- wherein the monitoring policy changing means decreases the frequency of the monitoring and withdraws an existing object and/or items from the coverage of the monitoring, when improvement in service level of the network is observed (col. 13, lines 54-62 and col. 17, lines 30-51 and col. 18, lines 43-61).

As per claim 7, Rogers further discloses:

- storing a program which causes the computer system to function as resource setup changing means for changing a setup of a predetermined set of resources on the network according to the monitoring result reported by said monitoring means (col. 17, lines 8-60).

As per claim 8, Rogers further discloses:

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- storing a program which causes the computer system to function as event detecting means for detecting the occurrence of a particular event in a predetermined resource on the network, wherein said monitoring policy changing means changes the current monitoring policy in response to the particular event detected by said event detecting means (col. 17, lines 8-60).

As per claim **10**, Rogers discloses a method of monitoring activities on a network, comprising the steps of:

- (a) setting a monitoring policy (col. 4, lines 20-42, col. 5, lines 46-67, col. 6, lines 1-12 and lines 24-33);
- (b) monitoring the network according to the policy set at said step (a) of setting (col. 8, lines 42-58, col. 9, lines 13-24, lines 31-67 and col. 10, lines 1-4); and
- (c) changing the current monitoring policy that is originally at said step (a) of setting, according to a monitoring result obtained at said step (b) of monitoring (col. 17, lines 8-60).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,611,864 to Putzolu et al

U.S. Pat. No. 6,578,076 to Putzolu

U.S. Pat. No. 6,170,009 to Mandal et al

U.S. Pat. No. 6,317,788 to Richardson

U.S. Pat. No. 6,466,123 to Ballantine et al

U.S. Pat. No. 6,609,083 to Enck et al

U.S. Pat. No. 6,530,024 to Proctor

U.S. Pub. No. 2003/0051124 to Dowling

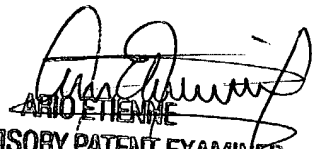
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
July 22, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100